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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
Second session
Geneva, 21 May -1 June 2001
Item 6 of the provisional agenda

REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the Sikh Human Rights Group

The secretariat has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 May 2001]

*/ This contribution is issued, unedited, as received from the submitting non-governmental organization.

GE.*200*0*395*

ENG

The Draft Declaration and Programme of Action for the World Conference are commendable documents, which reflect many of the Sikh Human Rights Group's previously expressed concerns and proposals. However the Draft Declaration needs to address further affirmation of the concept of diversity.

SHRG supports the position that all humanity is one and classifications are mostly artificial constructs that have emerged with the use of cultural and political designs to exclude and dominate. We question the current basis of terms such as race, racism and racial discrimination and consider that a more thorough analysis needs to be pursued to unravel the multiple definitions conflated within these terms.

To this end, we propose that the Draft Declaration include a statement recognising that race as a concept has for too long been defined by reference to colonial attitudes and reactions to those attitudes, including reactions by the victims of racism whose struggle for equality has been defined in terms of achieving equality with the perpetrators in terms defined by the perpetrators, and that there is a need to refocus our understanding of race in terms of cultural diversity by drawing on the essential equality and dignity of all human beings and cultures. Such an approach better recognises the importance of cultural identity to the fulfilment of individual freedoms. Only if individuals are fully able to give expression to their cultural identity will their spiritual and social development as individuals within a world community be fully achieved.

Nevertheless we acknowledge, with some reservation, that the classical terminology of race has come into common usage and states and communities have adopted it as a language of classification and social interaction. We therefore address our concerns and proposals with all this in mind.

There exists considerable literature on cultural diversity and culture as an integral part of racial distinction, but very little has been done to incorporate this knowledge into the legal practices of states. Legal systems in many countries around the world tend to treat race as a biological issue. In this sense, government policies have changed to accommodate colour and to some extent descent but not the respect and active

protection of people's cultural identities. Indeed, many ethnic groups, refugees, asylum seekers and trafficked people around the world still experience discrimination in their everyday life and minimal or no protection against such violations. In particular, cultural practices of many groups are treated as religious matters outside the scope of the discourse on race.

With the creation of an ambiguous definition of race, there follows an attempt to tailor it in a manner that suits political interests. Cultural discrimination is usually considered under legislation for the protection of religion rather than legislation designed to combat race discrimination. In many countries however, such protection of culture has not existed. Hence, ethnic groups such as the Sikhs still face discrimination in places of employment and social interaction because of their cultural practices such as maintaining of the 5 Ks and particularly kara, kirpan, and the kesh. Such limited protection as they have received against discrimination as in the U.K. has not been through discourse of cultural rights but in the straitjacket of race.

If we are to adopt the current terminology of race in common usage we have to accept that race and culture are intimately related. Culture is an integral part of social identity and its respect is crucial for the equal and peaceful co-existence of different peoples. Nevertheless, cultural prejudice manifests itself with the use of stereotypes such as those that label people with a distinct cultural identity as 'orthodox' or 'fundamentalist'. Without a remedy against acts of cultural discrimination and exclusion, in places of social interaction, institutions and the media, these types of abusive practices become institutionalised. In this way they become legitimate.

Discrimination and racism occur primarily because people are fearful of 'the different' or because they wish to preserve particular relations of power by exclusion or exploitation. In this sense, people that come from different cultures are perceived as a threat to what is thought to be a 'homogenous national culture'. Diversity is perceived as a threat because homogeneity is treated as an indication of 'normality' while diversity is seen as a result of the 'invasion' of the different into the 'homogenous' whole. However, a thorough look into human history and today's world can convince people that diversity and not homogeneity is the starting point of a dynamic process that involves a wide variety of perspectives, ways of life, individual and communal identities and economic-political circumstances that blend together and change through time. If such an approach is adopted diversity will cease to be labeled as a threat and will be approached as an opportunity for the equal and peaceful co-existence of different peoples. Indeed as the Draft Declaration has suggested and our own brief declaration proposes, world history is the richer for this diversity.

Within the discourse on racism and discrimination, cultural diversity is encouraged through the act of 'tolerance'. Yet, this approach does not necessarily promote the co-existence of different cultures on an equal basis. The concept of 'tolerance' suggests merely a political recognition and accommodation of different ways of being while still presupposing cultural homogeneity of the 'nation-state' and integration of the minority cultures into the 'tolerant' majority culture. We suggest, as an alternative to the passive practice of 'tolerance', that there be active implementation of the more inclusive and dynamic concept of 'diversity' that promotes respect for diverse

cultures and protection of their rights on the basis of universal human rights principles.

SHRG maintains the belief that cultural diversity is the key to future peace and prosperity amongst peoples and states. It emphasises the need to actively promote cultural diversity in state policies as a way of dealing with racial discrimination, intolerance and xenophobia. SHRG hopes that the High Commissioner will review the approach of cultural diversity through 'tolerance' in favour of the more active and equalitarian alternative of the direct promotion of cultural diversity.

In support of these aims we propose in particular:

- That the numbered para 4 of the Draft Declaration be amended whether by renumbering or other suitable device so as to include the italicised words immediately before and after the current text:

  We also note that 'race' has for too long been defined by reference to colonial attitudes and reactions to those attitudes and there is a need to refocus our understanding of cultural diversity by drawing on the essential equality and dignity of all human beings and cultures.

  For too long diversity has been treated as threat rather than gift, and too often that threat has been expressed in racial contempt and conflict, in exclusion, discrimination and intolerance. We must refocus our understanding, discern in diversity of race and culture the potential for mutual enrichment, and realize that it is the interchange between great traditions of human spirituality that offers the best prospect for the human spirit itself. **Vision Statement**

  Realisation of such potential requires the recognition and protection of the cultural identities through which individuals find fulfilment and personal development, always bearing in mind that cultures should not themselves be allowed to erode or limit the development of individual rights.

- That the numbered para 18 of the Draft Declaration include discrimination on the basis of culture.

- That the numbered para 22 of the Draft Declaration be amended to read:

  We recognise *the particularly damaging effects of institutional discrimination to the development of an equal and diverse society and the corresponding* importance of national institutions for the promotion and protection of human rights and ombudsman institutions in the struggle against racism, racial discrimination, xenophobia and related intolerance, and reaffirm the need for such entities to be established where they do not exist. *We further* call upon the authorities and society in general in those countries where they are performing their tasks of protection and prevention to co-operate to the maximum extent possible; **Regional Conference, Santiago Cf. Regional Conference, Tehran.**

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Item 6 of the provisional agenda

REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the Legion of Good Will

The secretariat has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 March 2001]

*/ This contribution is issued, unedited, as received from the submitting non-governmental organization.

GE.*200'0'3953*

ENG

Thematic Issue: Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels.

The Legiao da Boa Vontade (Legion of Good Will), a non-governmental organization in general consultative status with the Economic and Social Council, brings to the attention of the Second Session of the Preparatory Committee for the WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE, the relevant principles and common goals of achievement for all people and nations, as well as all individuals, regarding the Universal Declaration of Human Rights, substantively Articles 1, 2, 4 and 7 which are very incisive that all people are born free and equal, without discrimination of any kind, such as race, color, sex, language, religion, politics or any other condition. The General Assembly has designated three decades for action to combat racism and racial discrimination and to ensure support to people struggling for racial equality. Since 1973 we have seen that some progress has been achieved, but facts show us that much more needs to be done to eradicate the violence of discrimination among Human Beings. As a contribution to the preparation for THE WORLD CONFERENCE AGAINST RACISM, the Legion of Good Will reaffirms the urgency with which Member States, in their capacity, on national and international levels, must support Free Basic Education to the children of their respective countries in Public Schools. Free Education, however, is not enough. Basic Educational guidelines must be grounded on a philosophy of Ecumenical Spirituality.

The President of the Legion of Good Will, José de Paiva Netto, launched the Pedagogy of Ecumenical Citizen over two decades ago based on concrete experience that amounts currently to 51 years. It is critical to emphasize that discrimination trends are eliminated when common principles such as Love, Peace, Understanding, Tolerance and Compassion are exemplified by educators, soon enough in children's lives. Practical application of such philosophy, that does not imply any kind of religious bond, free of any kind of prejudices and taboos, is the most effective measure of prevention and protection aimed at the eradication of racism and any other type of discrimination.
It is obvious but relevant to stress that the child of today is the adult of tomorrow. If we start to educate our children's hearts and minds right now, based on the culture of unconditional Love, no remedies will be necessary for victims of racism and discrimination. The role of Free Public Education is fundamental in this process. Someone may think that we are approaching the issue in a mere philosophical way, but History carries evidences that mentalities determine the systems we live in.

Very apropos, the UN Secretary-General said on the occasion of the observance of the International Day for the Elimination of Racial Discrimination on March 21, 1999: "Ignorance and prejudice are the handmaidens of propaganda...Our mission, therefore, is to confront ignorance with knowledge, bigotry with tolerance, and isolation with the outstretched hand of generosity. Racism can, will and must be defeated."

The Legion of Good Will, as a genuine Latin American NGO, headquartered in Brazil, with Branches in Argentina, Paraguay, Uruguay, Bolivia, Portugal and USA, has been offering,

thanks to the generosity of the People that support its efforts: "Education and Culture, Health and Work with Spirituality." Under this slogan, the Legion provides, according to its outreach, free equal education for all. Its efforts go beyond with community centers for under-privileged families, Women's Health Care, Job Training for Youth, always without any distinction of Race, Color, Religion, or any kind of discrimination. Thus what affirms Mr. Paiva Netto: "Racial mixture of the World is unavoidable. Since the *monera*, who's not racially mixed in this Planet? There is Only One Race, the Universal Race of God's Children. However, we can not transform a country if we do not really lay our attention on the basis of instruction and education with Spirituality, on the mental and physical health of the next generations. They are the ones who will fatally continue to influence our destinies. If it is difficult to re-educate Society, then let us start now! Against the globalization of indifference and discrimination it is utterly urgent to raise the Ecumenism of Solidarity, because its roots do not know any kind of social, ideological, ethical and religious prejudice and taboo. The Ecumenism of Solidarity has only one purpose: The Human Being"

We close our statement by congratulating the UN for the holding of such an important Conference in Durban/South Africa - 2001. We take the opportunity to offer the United Nations, the Legion of Good Will's educational TV Network in Brazil to convey the progresses against racism made by the UN initiatives not only during the Conference, but on a permanent basis.

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REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the Human Rights Advocates

The secretariat has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 April 2001]

*/ This contribution is issued, unedited, as received from the submitting non-governmental organization.

GE.*200*0*3957*

ENG

1. Human Rights Advocates submits this report to the Second Session of the Preparatory Commission for the World Conference Against Racism, Racial Discrimination, Xenophobia and other Related Intolerance (WCAR), in order to highlight the effects of racism, discrimination and xenophobia on disenfranchised peoples of the world, and in particular the effect that racism is having on one of the world's largest disenfranchised populations, the Roma.

2. In the Political Declaration adopted by the Members of Council of Europe, in the October 2000 Strasbourg preparatory meeting for the WCAR, it was noted that "[The] Roma/Gypsies suffer throughout Europe from persisting prejudices, are victims of a racism which is deeply-rooted in society, are the target of sometimes violent demonstrations of racism and intolerance and [sic] their fundamental rights are regularly violated or threatened."

3. For centuries, the Roma have been subjected to racism, racial discrimination, and xenophobia by governments and citizens of Europe and the Americas. From their enslavement in the early 1300's, to the near destruction of their populace by Nazism, the Roma have persevered through centuries of violence and cruelty aimed at destroying the cultural essence of their being. The Roma are consistently deprived of their rights as citizens, and thus due to this disenfranchised status are subjected to numerous human rights violations including overt acts of racist violence as well as discrimination in the political, educational and legal systems of Europe.

4. The ethnic "distinctions, exclusions and restrictions" placed upon the Roma, have diminished their ability to freely exercise their most basic fundamental human rights and freedoms, i.e. the right to citizenship, to equal education, and the right to equal justice and thus are clearly in violation of Article 1 of the International Convention on the Elimination of All Forms of Discrimination [CERD].

5. Arguments against Romani rights to citizenship have been based upon historically-universal perceptions of the Roma as a transient people, not having the

necessary residential and "ethnic" ties needed to become citizens. However, Article 24(3) of the ICCPR recognizes the right of every child to acquire citizenship and Article 5 (d) (iii) of CERD recognizes a general right to nationality. In addition, both Article 12(1) of the International Covenant on Civil and Political Rights (ICCPR) and Article (5) of CERD, recognize the right to freedom of movement and residence within a state as well as the right to leave any country.

6. Due to increasing racism and xenophobia, the Roma have been forced to maintain their "traveling" existence and have had difficulty meeting the residency requirements of many governments. For example, when the former Soviet Union dissolved, residency laws and regulations in Eastern Europe, such as the 1993 Act on Czech Nationality, were drafted. This Act deprived many Roma of their Czech citizenship because of their movement throughout the once unified Czechoslovakia. The Act required proof of residency in the Czech half of Czechoslovakia and a clean criminal record for the previous five years. However, many Roma who should have qualified as Czech citizens could not because of their inability to show proof of residency in the Czech side or a clean criminal record. These requirements effectively excluded thousands of Roma, turning formerly recognized citizens into stateless beings.

7. While Human Rights Advocates recognizes the right of all nations to determine their own residency requirements, we feel that the residency requirements developed by many countries in the post-communist era, although seemingly neutral on their face, have had a disparate impact on the Roma and thus have had the effect of disenfranchising the Roma completely from their former home countries. In September of 1999, the Czech Republic amended their 1993 Act and eliminated the "clean record" provision. However, the effects of the "old" law had a tremendous impact on disenfranchising Czech Roma, and combined with current racial violence has caused many Czech Roma to abandon their rights as citizens.

8. It is disheartening that many governments do not recognize or allow participation of Roma in any official capacity in governmental decisions concerning the welfare, political and social needs of the Romani population. Article 25 of the ICCPR recognizes every citizen's right and opportunity " to take part in the conduct of public affairs, directly or through freely chosen representatives." By denying Romani organizations and individuals the right to participate in public affairs, governments are violating the Roma right to representation and are in breach of the ICCPR.

9. Another aspect of Romani life that is adversely affected due to the Roma's disenfranchised state, is their right to education. Mr. Alvaro Gil Robles, Commissioner for Human Rights, noted in the provisional version of the General Report of the Political Declaration by Ministers of Council of Europe States in Strasbourg: "Historically there has been systematic discrimination against Rroma/gypsies, and discrimination against them today in many social and economic context is driving them into social exclusion. Access to education is vitally important here: it is the key in the Rroma/Gypsies progress towards equality."

10. Under Article 28(1) of the Convention for the Rights of the Child (CRC), State Parties recognize the right of the child to an education and in section 28(1)(e) agree to take measures to encourage regular attendance at schools and to reduce the drop out rates. However, according to statistics provided by the Ford Foundation, "eighty percent of the Roma children in the Czech Republic (and in other Central European countries), attend special schools for the mentally handicapped, a dead-end system that virtually guarantees their failure..."

11. By forcing these children to attend "special" and habitually substandard schools, European governments are not only violating the CRC, but are effectively eliminating any chance for a Romani child to achieve a future beyond manual labor and vocational work. For instance, the Human Rights Project, a Roma Rights organization from Bulgaria, noted that "[t]he low quality of the education that Romani children receive in these conditions, general discrimination, poverty,... and the differences in ethnic culture have all led to an avalanche growth of absenteeism and drop-out rate of Romani children from school before they have completed their secondary education."

12. In addition to discrimination in political and educational settings, the Roma also experience inordinate discrimination in the legal sphere. The Roma continue to be subjected to arbitrary and/or extended arrests, detentions and sentencing although numerous Articles in the ICCPR address the standards that are to be followed regarding these issues. For example, it has been found that Romani defendants arrested for alleged involvement in criminal activity are, on a per capita basis, more frequently detained prior to trial than non-Roma arrested for alleged involvement in similar crimes. These actions violate Article 9(1) of the ICCPR.

13. The Roma are also subjected to violence, and in some cases, torture by police officials. Police officials, who subject Roma prisoners or detainees to violence and or torture are rarely prosecuted. However, in May of 2000, the European Court, unanimously found the Bulgarian government guilty of violating Article 2 (the right to life) and Article 13 (the right to an effective remedy) under the European Convention on Human Rights, due to the brutal beating and death of a 49-year Romani man held in police custody. This ruling marked a significant milestone in the Roma fight for legal justice and equality.

RECOMMENDATIONS

14. Human Rights Advocates believes that in order to end racial discrimination against the Roma and similarly disenfranchised people, governments must integrate the political and social organizations of these groups into their political systems. By allowing the voices of disenfranchised people to address their specific needs in society, governments will be better informed and more aware of the duties they need to perform to integrate such groups into government policies and laws.

15. To this effect, Human Rights Advocates recommends the following measures towards eliminating racial and ethnic discrimination against the Roma:

    - Although several countries are taking measures to integrate education, the state

of education for the Roma and other disenfranchised groups still remains inadequate. In regards to the Roma, possible solutions to this crisis could include:

1) Allowing the use of the Romani language in schools to aid Roma children in learning;
2) The integration of Romani History/Studies/Languages into primary, intermediate and University curricula and
3) The recruitment of Roma teachers in to primary, intermediate and university curricula.

- Violence by law enforcement officials against the Roma must be stopped, and to this effect should governments establish effective remedies for eliminating institutional racism and develop schema for punishing law enforcement officials who perpetrate racially-based discrimination, violence, or torture against Romani individuals and detainees. Victim compensation plans should also be developed.

- Human Rights Advocates also suggests that countries follow the recommendations of the Special Rapporteur On Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, in his report submitted pursuant to the Commission on Human Rights resolution 1998/26 as well as the recommendations in his addendum.

16. In addition, these recommended measures should be considered for other similarly disenfranchised groups.

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REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the Oromia Support Group

The secretariat has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 March 2001]

*/ This contribution is issued, unedited, as received from the submitting non-governmental organization.

GE.*200'0'3959*

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The Oromia Support Group strongly supports the Draft Declaration And Programme Of Action as presented to the Open Ended Working Group for the Second Preparatory Committee of the WCAR, meeting 6-9 March 2001, in document A/CONF.189/WG.1/3.

In particular, the Oromia Support Group, being conscious of claims of genocide being perpetrated against the Oromo and other, smaller, marginalised peoples of Ethiopia, supports the inclusion of paragraph 18 of the Draft Programme Of Action in the final declaration of the WCAR. The Oromia Support Group urges that this paragraph be extended to include ongoing genocide and not only acute episodes of incitement to genocide.

The Oromia Support Group, being aware of the need for conciliation between peoples of Ethiopia, strongly supports the inclusion of paragraph 7, concerning the crucial role of human rights education, in the final declaration of the WCAR.

The Oromia Support Group, being a non-governmental organisation specialising in collating and reporting racially motivated human rights violations in Ethiopia and those violations committed in other African countries against Oromo people by the Ethiopian government, strongly supports the inclusion of paragraph 36, concerning the contribution of NGOs in reporting racial discrimination, in the final declaration of the WCAR.

The Oromia Support Group, being aware of racially motivated brutality by police and other state agents in Ethiopia, strongly supports the inclusion of paragraph 83, calling for measures to prevent and detect such acts and to prosecute perpetrators of such acts, in the final declaration.

The Oromia Support Group, being aware of the current impunity for perpetrators of racially motivated human rights violations in Ethiopia, strongly supports the inclusion of paragraphs 89 and 90, concerning impunity, in the final declaration of the WCAR.

The Oromia Support Group, being aware of the racial discrimination in Ethiopia and the financial and moral support afforded Ethiopia by developed countries and international financial institutions, strongly supports the inclusion of paragraph 36, calling for the further incorporation of human rights practices and norms into the policies and programmes of developed countries and international financial institutions, in the final declaration. The costly war between Ethiopia and Eritrea, from 1998-2000, was funded indirectly by foreign governments and institutions, while 10 million people faced acute food shortages.

The Oromia Support Group, being aware of the low level of international awareness of the racial discrimination in Ethiopia, which allows the deterioration of standard of living and infrastructure in all areas of Ethiopia except that of the minority ruling group, Tigray, strongly supports the inclusion of paragraph 108, calling for the monitoring and dissemination of racially discriminatory attitudes and acts, and the provision of support and advice to victims of such acts, in the final declaration.

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REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the International Human Rights Association of American Minorities

The secretariat has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2001]

*/ This contribution is issued, unedited, as received from the submitting non-governmental organization.

GE.*200'0'396'*

ENG

The question of finding a solution to the problem of racism is intensely involved with humankind's search for justice, development, protection and liberation as well as for economic and politico-military power, domination and exploitation. There is no doubt that in the search for the latter, negative attitudes to and conceptualizations of others are formed, promoted and often acted upon as a consequence of their being useful to the quest for domination and superiority. Once locked into place, they are difficult to remove, even after their *raison d'être* is removed. Thus we must ask if racist attitudes represent only the surface manifestations of much deeper human developmental problematics which the right to self-determination attempts to address through distributive and restorative justice. Is racism simply the visible tip of the iceberg?

In consequence, we feel that the Agenda of the World Conference on Racism should include an exploration of the following questions:

1. What is the relationship between the denial of the right to self-determination by the dominant majority of a multinational state and the creation or promotion of some form of racism?

2. Do policies of forced assimilation like those being followed in America in relation to African and Native American minorities, etc. automatically promote racial bias or discrimination as a non-intentional but necessary component for policy realization?

3. Does the classification of ethnic groups into caste categories with the effect of forced unequal status assimilation generate the perpetuation of racism and racial discrimination?

While the above are only a few of the factors involved in creating situations to promote racism and racial discrimination, IHRAAM feels that if such factors and their historical and future implications are not accorded appropriate research-action-policy recognition, racism and racial discrimination will always have a politico-economic and social beachhead upon which to sustain its destructive emanations.

The socio-economic development of individuals and non-dominant groups inside of states and their ability to exercise their economic and social rights can be discouraged through the effort by majority-dominated governments to misconstrue and limit any minority development that may seek a more equitable institutional division of socio-political and economic power between dominant and minority groups, by misapplying and misinterpreting the great democratic concepts of non-discrimination and majority rule in such a manner as to perpetuate majority domination and exploitation. Needless to say, this may be a greater threat to the global acceptance of democracy and the achievement of peace than the appropriate promotion of self-determination. It would not be wrong to assume that such misuse of democratic principles damages practice as well as international peace by decreasing their credibility as tools for conflict resolution and state integration.

Where this occurs, minorities too may suffer from socio-economic maldevelopment rooted in historical circumstances forced on them by what the majority calls "majority rules", even when the state wherein they reside is identified as among the world's most developed. Indigenous peoples often refer to this phenomenon of group-based underdevelopment – occurring in developed states – as Fourth World colonization.

Racist attitudes and consequent discrimination is usually given by states as the reason for the maldevelopment of such nondominant groups relative to dominant groups in such states, and the solution voiced by governments is simply the dropping of racist attitudes, concepts, overt racist institutions, the same treatment or opportunity for all, etc., which is defined as non-discrimination, equality before the law and equal opportunity. There is little or no comment where ethnic minorities are concerned on the need for types of institutional changes and special measures or self-determination required to assure that the international legal concept of non-discrimination in relation to minorities is in effect and thus actual discrimination against such groups is ended.

Many such states wishfully take great pride in their melting-pot assimilationist policies or traditions as proof of their commitment to non-discrimination against minorities. But there can be a gross contradiction between non-discrimination as defined by international law, and their melting pot policies or traditions which may often serve as a linguistic euphemism and cover for what may in reality be the forced assimilation of certain minorities and indigenous peoples, and the resultant retardation of their socio-economic and cultural development by the state in which they live.

In reality, when enforced by government in conjunction with societal institutions, melting pot policies become a chief reason for institutional and systemic racial discrimination in states where indigenous peoples and descendants of forced immigrants to the Americas are found. As a matter of fact, the advocacy by government of policies of the melting pot in relation to such minorities, i.e. indigenous peoples, "involuntary immigrants" (the terminology currently in UN usage to describe descendants of Africans in the Americas), etc., automatically promotes and necessitates racial or ethnic discrimination. This is true if for no other reason than that in order to force or pressure a minority to assimilate into some sector, particularly the lower caste or underclass, of the dominant majority, the culture of the minority has to be re-identified as that of the dominant group's lower caste or underclass, and by this means be devalued in the cultural mindset not only of the dominant group, but often among a significant number of the minority itself as well, leading to its being distorted, shattered or rendered dysfunctional to the minorities' equal status acceptance in the state, and consequently to the minority's development.

If the minority nation resists, they face the prospect of being classified as separatists, and can expect greater oppression.

When a minority is subjected to the process of forced assimilation, what happens to minority individuals who resist assimilation yet must necessarily seek to actualize their economic and social rights in the majority-dominated mainstream – to compete for

employment or educational achievement, etc.? How is their access to health care affected; their community solidarity and cooperation; their right to significant input into the use of their taxes, or into the orientations and norms of the public institutions which purport to serve them, etc? Indeed, how does this affect their capacity to develop compared to individuals in the dominant group? For a vivid and empirical response to this question, one need only statistically observe the situation of the indigenous peoples and descendants of "involuntary immigrants" in the states where such policies are practiced. In one such state, as an instance, the descendants of formerly enslaved Africans suffered an unemployment rate of 43% in 1993. In that same state, among the indigenous population, the rate of tuberculosis was 400% higher, meningitis 2000 % higher, and dysentery 10,000% higher than the national average.

If the historical consequences of policies have no significance for how they are defined, the search for peace need not include the search for human rights and justice. We would only be required to continuously redefine problems and situations in such a way as to obscure them while pleasing those in power. The UN must accept that real history determines real situations and their concomitant inescapable needs which in turn require truly functional solutions. Ethnic racism, systemic discrimination, and their negative socio-economic consequences for development of national minorities will not be eliminated by permitting forced assimilation to masquerade under the banner of non-discrimination or a melting pot, thus preventing effective access of those who need it most to the institutions and policies necessary for them to achieve the right to equal status development.

Even recent history clearly demonstrates that policies of forced assimilation lead to maldevelopment, which leads to protest, and eventually the rejection of state jurisdiction or the demand for political independence, which in turn animates ethnic cleansing, civil conflict, societal disintegration, etc. Both voluntary assimilation (fusion) and appropriate development occur best where equal status socio-political and economic interdependency between groups is provided for in an environment of consociated, human-centered democracy.

We are pleased to note that the UN Sub-Commission will be considering the recommendation by the UN Working Group on Minorities (UN Doc. E/CN.4/Sub.2/2000/27) that a Regional Conference be held on the situation of the descendants of Africans in the Americas. We hope that, in giving consideration to this recommendation, the Sub-Commission as well as the World Conference Against Racism will remain aware of the problematics mentioned, particularly as it relates to the possible misinterpretation and frequent misuse of the concept of non-discrimination in relation to some national minorities, and the limitation of their minority rights to non-discrimination, as politically interpreted by the states concerned. We suggest that in its deliberations, attention should be paid by the World Conference Against Racism to the misuse and corruption of the concept of majority rules in order to maintain domination of national minorities in all levels of their participation in government and socio-economic policy-making, thereby eliminating their right to effective participation.

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REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the Southern Education Foundation

The secretariat has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

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*/ This contribution is issued, unedited, as received from the submitting non-governmental organization.

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Background and Acknowledgments

The Comparative Human Relations Initiative (CHRI) is an effort sponsored by the Southern Education Foundation (SEF) in collaboration with non governmental organizations and individuals from Brazil, South Africa and the United States. SEF is a public charity based in Atlanta, Georgia, USA. Its president is Elridge W. McMillan and its Board Chair is Norman Francis, president of Xavier University in New Orleans, Louisiana, USA.

Begun in 1995, CHRI provides a forum for exchange of information and ideas about effective strategies/policies to combat racism and inequality in these nations and around the world. CHRI is funded by the Ford and Charles Stewart Mott Foundations. See Attachment A for names of CHRI International Working and Advisory Committee members. The Initiative's Director and author of this submission in CHRI's behalf is Lynn Huntley.

Since 1995, CHRI has held meetings in all three nations for policymakers, activists, ngo leaders and scholars (United States, April, 1997; Brazil, September, 1997; South Africa, March, 1998; and South Africa, May/June, 2000). CHRI publications have previously been submitted to the Office of the High Commissioner for Human Rights. The Honorable Jose Luis Gomes del Prado of the High Commissioner's Office attended CHRI's May/June, 2000, meeting and briefed delegates on plans for the UN World Conference Against Racism to be held in Durban, South Africa, in 2001.

CHRI Comments on the Theme 4:

Provision of effective remedies, recourses, redress, [compensatory] and other measures, at the national, regional and international levels

The program of action to be issued by the World Conference should delineate actions that are concrete and tied to specific timelines. While broad declarations about the negative consequences of racism are important in shaping global mores, what is needed now is a commitment to serious and sustained action to combat racism. We urge the following:

1. Each government should be required no later than three years hence to demonstrate via report to the UN that it has enacted laws and policies that bar discrimination as defined in the International Convention for the Elimination of All Forms of Racial Discrimination (CERD) and provide for civil enforcement of such laws and policies. This should be the minimum threshold commitment for compliance with CERD. Without such legislation and supporting policies, the protections provided by CERD are illusory.

2. The UN, through the office of the High Commissioner for Human Rights should conduct a study, the content of which would be reported publicly no later than three years hence, of options and policies that could/should be put in place to ensure that multinational businesses and international agencies such as the World Bank, the IMF, the Development Banks, among others, respond to CERD's requirements. One of the greatest challenges posed by

globalization is the regulation of transnational entities—financial institutions, multilateral and international agencies and businesses—to ensure compliance with the non-discrimination principles set forth in CERD. Since most domestic laws governing anti-discrimination do not provide for extraterritorial enforcement, finding better ways to promote compliance by such entities with CERD is a pressing matter. There are a variety of efforts by ngos now underway to explore these issues. But the UN should exert leadership in this regard.

3. ***The UN should define "effective remedies" to include all efforts that have the purpose or effect of undoing the negative and exclusionary consequences of racism and discrimination. This means recognizing that under some circumstances such "compensatory" remedies as monetary reparations to victims of discrimination are appropriate and, indeed, required.*** There are a variety of means by which domestic and international entities have sought to make victims of discrimination and disadvantage "whole". To suggest that "reparations" or other "compensatory" policies are neither necessary nor appropriate by bracketing of the word "compensatory" is wrong. In the United States, reparations have been made to Japanese victims of internment; efforts are now underway to identify businesses that profited from slavery and press them to make monetary contributions to the descendants of the enslaved. The bracketing of the word "compensatory" sends the wrong message to individuals, governments and the private sector that they have neither a legal nor moral obligation to help undo the "effects" of discrimination, past or present.

4. ***The UN should reaffirm the importance of "affirmative" or "corrective action" programs in undoing the consequences of racial discrimination and exclusion.*** Countries such as South Africa or Brazil or India (with its reservation policies for the Dalits) need to have the support of the international community as they go forward in fashioning/implementing targeted efforts to help victims of discrimination enjoy substantively, rather than merely formally, the right to be free from racial discrimination. In the United States, where opposition to affirmative action continues in some quarters precisely because affirmative action is effective in promoting upward mobility and inclusion for victims of discrimination, such a declaration from the UN would provide needed support for efforts to preserve this remedy, authorized and promoted by CERD.

5. ***The UN should reconvene an expert body of scholars, such as that convened some years ago by UNESCO, to update and reissue*** **the Statements on Race** ***within three years.*** Many people still believe that "race" or "color" correlate with intelligence or the lack thereof. A ringing declaration that all people are the same beneath the skin and that there is no link between race, descent or color and intelligence or human worth, as a *scientific fact*, is needed.

6. ***The UN should require all gender related programs that it now operates or to which it contributes to make the intersection of race/color and gender a priority and to report annually on the ways in which their program activities help to uproot racism, as well as sexism.*** Racism and sexism are twin faces of the same sorrow. Forms of social exclusion and prejudice are linked and interactive. Even within the community of institutions concerned with gender equity, there is no

guarantee either that staffing or point of view will reflect the race/color diversity among women. Thus, even among women, a hierarchy of power based on color/race is often evident. As a result, opportunities to uproot both forms of discrimination are lost. By finding ways to link CEDAW and CERD, the UN could make an important contribution toward combating both racism and sexism.

7. ***The UN should develop guidelines to govern the composition of national delegations to the World Conference Against Racism and ensure, thereby, that delegations are broadly inclusive of people from groups that suffer from racism and discrimination.***

8. ***The World Conference Declaration should underscore the economic consequences of social exclusion of discrete groups due to racism and discrimination***. This should be a major media message: Some groups and individuals benefit from racism and discrimination. Discrimination privileges some people by disadvantaging others. One of the most significant findings of CHRI is that in the globalizing world economy practices such as underinvestment in the education of discrete groups and denial to them of equal rights and benefits disserves the national economic interest.

In industrial societies, the day when having large numbers of unskilled persons was a means of developing the economy are rapidly passing, as the demands of the technology-driven workplace require increased skill levels. Having large numbers of poor and low skilled persons is not in the economic interest of any country in the post-modern era. The World Conference should convey this message of human and economic interdependence as one of the primary reasons why racism and discrimination must be curtailed. The link between racism and discrimination and poverty is apparent. Those who would reduce poverty through development must now find ways also to reduce the discrimination and racism that preclude too many people from developing their talents and potential.

9. ***Finally, CHRI believes that the World Conference should use the venue of South Africa to illustrate for the world what the consequences of racism and discrimination are.*** Too many people believe that changes in a country's legal structures mark the end of discrimination's and racism's effects, when in fact, such changes only mark the beginning of efforts to undo the consequences of past and present discrimination. South Africa's economy is underdeveloped because of the continuing legacy of apartheid, and its people are suffering still. Human rights violations may have been forgiven by the Truth and Reconciliation Commission, but the consequences of apartheid—underdevelopment, desperate poverty, undereducation of Blacks, crime?lives on. This lesson needs to be underscored for the world community. There are no quick fixes. The world community should be challenged to "reinvest in South Africa" and thereby help South Africa fully dismantle apartheid's effects.

Conclusion

The publications of the Comparative Human Relations Initiative may be found on our website—in English and Portuguese. The website is **www.beyondracism.org**.

We hope that the Second Preparatory Conference will pave the way for an effective, strong set of benchmarks to mark the global community's serious and long-term commitment to movement beyond racism.

Respectfully submitted,